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Attorneys for Defendant and Third-Party Plaintiff
REACH MEDIA GROUP, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID TRINDADE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

REACH MEDIA GROUP, LLC, a
Delaware limited liability company,

Defendant.

REACH MEDIA GROUP, LLC, a
Delaware limited liability company,

Third-Party Plaintiff,

v.

RYAN LENAHAAN, individually, KYLE
DANNA, individually, and EAGLE WEB
ASSETS INC., a corporation,

Third-Party Defendants.

CASE NO 5:12-CV-04759 (PSG)

CLASS ACTION

**DECLARATION OF VISHALI SINGAL,
ESQ., IN SUPPORT OF UNOPPOSED
MOTION TO EXTEND TIME TO AMEND
THIRD-PARTY COMPLAINT AND
SERVE THIRD-PARTY DEFENDANT
EAGLE WEB ASSETS INC.**

Judge: Honorable Paul Singh Grewal
Department: Courtroom 5
Complaint Filed: Sept. 12, 2012
Third-Party Complaint Filed: Nov. 15, 2012

1 I, VISHALI SINGAL, hereby declare as follows:

2 1. I am an attorney admitted to practice law in the State of California and authorized
3 to practice before this Court. I am an associate with the law firm of DLA Piper LLP (US) ("DLA
4 Piper"), counsel for Defendant and Third-Party Plaintiff Reach Media Group, LLC ("RMG"). I
5 have personal knowledge of the matters contained herein and, if called as a witness, I could and
6 would competently testify to the following:

7 2. RMG completed personal service of process on Third-Party Defendant Kyle
8 Danna on or about November 21, 2012 and completed subservice of process on Third-Party
9 Defendant Ryan Lenahan on or about December 3, 2012, making the effective date of service on
10 Lenahan December 13, 2013. I am informed and believe that RMG unsuccessfully attempted
11 service of process on Third-Party Defendant Eagle Web Assets Inc. ("EWA") at two separate
12 addresses associated with Ryan Eagle, founder and managing partner of EWA, with multiple
13 attempts at each of these addresses.

14 3. During the Initial Case Management Conference ("CMC") in this matter on
15 January 8, 2013, I appeared on behalf of RMG. I informed this Court that as of January 8, 2013,
16 RMG had encountered difficulty serving EWA with the Third-Party Complaint. I further
17 informed this Court that RMG likely required an additional month to effectuate service on EWA
18 of the Third-Party Complaint.

19 4. After this Court set a deadline of 30 days from the date of the January 8, 2013
20 Initial Case Management Conference in this matter for RMG to serve EWA with the Third-Party
21 Complaint, on or about January 10, 2013, I instructed Keith Nesbit, a legal assistant at DLA
22 Piper, to research addresses to serve process on EWA's Vice President of Accounting or Vice
23 President of Human Resources and once identified, to authorize a process server to attempt
24 service at the identified address(es). That same day, I saw webpages on EWA's website that
25 listed Savy Lam as Vice President of Accounting and Marissa Thoman as Vice President of
26 Human Resources and Corporate Secretary of EWA. Additionally, I learned from Mr. Nesbit on
27 or about January 10, 2013 that he had located an address online that appeared to be associated
28 with Ms. Lam. As a result, I instructed Mr. Nesbit to authorize a process server to attempt service

1 of the Third-Party Complaint at that address.

2 5. On or about January 8, 2013, I was served three sets of discovery by Plaintiff's
3 counsel – (1) Plaintiff's First Set of Interrogatories to RMG; (2) Plaintiff's First Set of Requests
4 to Admit Facts to RMG; and (3) Plaintiff's First Set of Requests for the Production of Documents
5 to RMG.

6 6. The following Monday, on or about January 14, 2013, I reviewed Third-Party
7 Defendant Lenahan's and Danna's Motion to Strike And/Or Dismiss Third-Party Complaint and
8 Memorandum of Points and Authorities In Support Thereof ("Motion"), and in light of its
9 contents and upon direction by RMG's lead counsel, Joshua Briones, Esq., I shifted my attention
10 to preparing an opposition brief to the Motion and considering the implications of the Motion on
11 allegations and counts stated in the Third-Party Complaint as to EWA.

12 7. On or about January 16, 2013, I learned from Mr. Nesbit that the process server
13 had unsuccessfully attempted service of the Third-Party Complaint on January 14, 2013 at the
14 address associated with Ms. Lam.

15 8. On or about January 22, 2013, I instructed Mr. Nesbit to obtain a background
16 report for Mr. Eagle, to identify additional addresses at which to attempt service of the Third-
17 Party Complaint on EWA, and on or about January 24, 2013, I received that background report.

18 9. On or about February 5, 2013, I received consent from counsel for Plaintiff and
19 counsel for Third-Party Defendants Lenahan and Danna to file a stipulation for RMG's requested
20 extension to serve EWA with the Third-Party Complaint or an amended Third-Party Complaint of
21 14 days from the date this Court issued its order on the Motion, or such other date and time
22 thereafter as the Court ordered, on the grounds that because the Third-Party Complaint asserts
23 common allegations and two causes of action against all three Third-Party Defendants, including
24 EWA, and that those allegations and causes of action were the subject of the Motion, RMG
25 sought to await the outcome of the Motion in determining how it affected the content of the
26 Third-Party Complaint as to EWA and the decision to proceed against EWA. (Dkt. #53-1.)

27 10. I am informed and believe that, on or about March 11, 2013, RMG served its
28 objections and responses to the discovery requests propounded by Plaintiff, in accordance with

1 the deadline reached between RMG and Plaintiff.

2 11. To date, RMG has not propounded any discovery on Third-Party Defendants
3 Lenahan or Danna.

4 12. I am informed and believe that RMG is encountering severe financial difficulties
5 and that, in light of its weak financial condition, is evaluating available options to address its
6 financing and operating challenges.

7 13. On August 12, 2013, I received e-mails from counsel for Plaintiff and counsel for
8 Third-Party Defendants Lenahan and Danna, stating that Plaintiff, and that Lenahan and Danna,
9 respectively, would not oppose RMG's Motion to Extend Time to Amend Third-Party Complaint
10 and Serve Third-Party Defendant Eagle Web Assets Inc..

11 14. RMG's request, pursuant to Federal Rule of Civil Procedure 6(b), for a 30-day
12 extension of time from August 14, 2013 to amend its Third-Party Complaint and serve EWA is
13 the fourth time RMG has requested a change to any event previously scheduled by this Court.
14 Previously, (1) on October 4, 2012, RMG and Plaintiff requested a continuance of the Initial Case
15 Management Conference and all corresponding deadlines (Dkt. #7), which this Court granted on
16 October 12, 2012 (Dkt. #9); (2) on December 4, 2012, RMG and Plaintiff requested a continuance
17 of the Initial Case Management Conference (Dkt. #25), which this Court granted on December 7,
18 2012 (Dkt. #26), and (3) on February 6, 2013, RMG requested an extension to the deadline set by
19 this Court to serve Third-Party Defendant EWA with the Third-Party Complaint or an amended
20 Third-Party Complaint (Dkt. #52), which this Court granted on February 7, 2013 (Dkt. #54.) In
21 addition, this request is the sixth time any other time modification has been requested in this case,
22 by Court order or stipulation. In addition to the aforementioned requests for extension of time,
23 (1) on October 4, 2012, RMG and Plaintiff stipulated to an extension of time for RMG to respond
24 to the Class Action Complaint in this matter (Dkt. #7); and (2) on December 12, 2012, RMG and
25 Third-Party Defendants Lenahan and Danna stipulated to an extension of time for Lenahan and
26 Danna to respond to the Third-Party Complaint (Dkt. #27).

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct to the best of my knowledge and that this Declaration was executed
3 on August 13, 2013, at San Francisco, California.

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5 /s/ Vishali Singal
6 VISHALI SINGAL
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